

CHAPTER 139
SURVIVING SPOUSE OF INTESTATE DECEDENT

S. F. 361

AN ACT increasing the share of the surviving spouse under the intestate succession laws.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section six hundred thirty-three point two hundred eleven (633.211), subsection four (4), Code 1979, is amended to read as follows:

4. If the property received by the surviving spouse under subsections 1, 2 and 3 of this section is not equal in value to the sum of ~~twenty-five~~ fifty thousand dollars, then so much additional of any remaining homestead interest and of the remaining real and personal property of the decedent that is subject to payment of debts and charges against the decedent's estate, after payment of such debts and charges, even to the extent of the whole of the net estate, as may be necessary to make the amount of ~~twenty-five~~ fifty thousand dollars.

Sec. 2. Section six hundred thirty-three point two hundred twelve (633.212), Code 1979, is amended to read as follows:

633.212 SHARE OF SURVIVING SPOUSE WHERE DECEDENT LEFT NO ISSUE. If the decedent dies intestate leaving a surviving spouse and leaving no issue, the surviving spouse shall receive the following share:

1. ~~One-third~~ One-half in value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage, which have not been sold on execution or other judicial sale, and to which the surviving spouse has made no relinquishment of his or her right.

2. All personal property that, at the time of death, was in the hands of the decedent as the head of a family, exempt from execution.

3. ~~One-third~~ One-half of all other personal property of the decedent which is not necessary for the payment of debts and charges.

4. If the property received by the surviving spouse under subsections 1 and 3 of this section is not equal in value to the sum of ~~twenty-five~~ fifty thousand dollars, then so much additional of any remaining homestead interest and of the nonexempt real and personal property of the decedent remaining after payment of the debts and charges against the estate, as may be necessary, even to the extent of the entire net estate, to make the amount of ~~twenty-five~~ fifty thousand dollars.

5. So much additional of the remaining real and personal property belonging to the decedent as is necessary to make the entire share of the surviving spouse, including the property received under subsections 1, 3 and 4 of this section, equal in value to the aforesaid sum of ~~twenty-five~~ fifty thousand dollars plus one-half of the net value of the estate over and above the said sum of ~~twenty-five~~ fifty thousand dollars and the value of the exempt personal property.

Sec. 3. This Act is effective January 1, 1980 for the estates of persons dying on or after January 1, 1980.

Approved June 1, 1979

CHAPTER 140
CLAIMS AGAINST ESTATES

S. F. 293

AN ACT relating to the filing of requests and giving notice of claims against probated estates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section six hundred thirty-three point four hundred forty-two (633.442), Code 1979, is amended to read as follows:

633.442 CLAIMS BARRED AFTER TWENTY DAYS. Unless the claimant shall within twenty days after the date of mailing ~~said~~ the notice of disallowance, file a request for hearing with the clerk, and mail a copy ~~thereof of the request for hearing~~ to the personal representative and to the attorney of record, if any, the claim shall be deemed disallowed, and shall be forever barred.

Sec. 2. Section six hundred thirty-three point four hundred forty-three (633.443), Code 1979, is amended to read as follows:

633.443 REQUEST FOR HEARING BY CLAIMANT. At the time of the filing of a claim against an estate, or at any time thereafter prior to the time that the claim may be barred by the provisions of section 633.442, or the approval of the final report of the personal representative after notice to the claimant, the claimant may file a ~~written request, in duplicate,~~ written request, in duplicate, for hearing ~~on his claim~~ with the clerk ~~who shall mail the duplicate to the personal representative, or to his,~~ and mail a copy of the request for hearing to the personal representative and attorney of record, if any.

Sec. 3. This Act is effective January first following its enactment.

Approved May 3, 1979